



JAMES H. "JIM" BROWN
COMMISSIONER OF INSURANCE
STATE OF LOUISIANA

P.O. Box 94214
Baton Rouge, Louisiana 70804-9214
Phone (225) 342-5900
Fax (225) 342-3078
<http://www.doi.state.la.us>

Directive Number 153

June 20, 2000

Disclosure of Consumer Personal Information
Special Examination Survey

TO: ALL DOMESTIC INSURERS

The Gramm-Leach-Bliley Act (GLB Act, Public Law 106-102 – Nov. 12, 1999) requires financial institutions, including insurers, to protect the privacy of consumers. Title V of the Act sets forth these new federal requirements, and provides that regulations be established by federal and state agencies to implement the Act's privacy protections.

The Louisiana Department of Insurance ("Department") must promulgate regulations that implement the Act's consumer privacy requirements. Section 501(b) states that standards must be established for insurers "relating to administrative, technical and physical safeguards to—

- insure the security and confidentiality of customer records and information;
- protect against any anticipated threats or hazards to the security or integrity of such records; and
- protect against unauthorized access to or use of such records or information which could result in substantial harm or inconvenience to any customer."

The Department is seeking to determine what new privacy regulations may be necessary to address the disclosure of "personal information" maintained by insurers and HMOs domiciled in Louisiana. In an effort to determine the type and scope of privacy regulations, you are directed to respond to the following questions in writing and provide relevant documentation. This information is requested pursuant to the Department's examination authority under La. R.S. 22:1301, et seq. Your responses will be held confidential pursuant to La. R.S. 22:1302(J).

1. Do you have any policies or procedures for identifying consumer information as "personal information"? **Yes** or **No** (please circle response).
 - a. If **yes**, what are these policies?
 - b. Are these policies in writing? **Yes** or **No** (please circle response)
 - c. If policies are written, please submit copies of these policies and procedures.
2. Do you have any policies or procedures for determining whether consumer personal information is disclosable or non-disclosable? **Yes** or **No** (please circle response).
 - a. If **yes**, what are these policies?
 - b. Are these policies in writing? **Yes** or **No** (please circle response)
 - c. If policies are written, please submit copies of these policies and procedures.
3. Do you have any policies regarding the disclosure of a consumer's personal information to third parties? **Yes** or **No** (please circle response).
 - a. If **yes**, what are these policies?
 - b. Are these policies in writing? **Yes** or **No** (please circle response)
 - c. If policies are written, please submit copies of these policies and procedures.
4. If your answer to Question Number 3 is **yes**, have your policies regarding personal consumer information been communicated to your consumers? **Yes** or **No** (please circle response).
 - a. If **yes**, how have the policies been disseminated to consumers?
5. What personal consumer information do you maintain which you deem to be non-disclosable to third parties?
6. What personal consumer information do you share with affiliated third parties?
7. What personal consumer information do you share with unaffiliated third parties?
8. Identify the type of third parties with whom personal consumer information is shared (e.g. third party administrators, affiliates, etc.).
9. What are the purposes for which personal consumer information is shared with third parties?
10. Do you require that the third parties with whom any information is shared agree to maintain as confidential the personal consumer information? **Yes** or **No** (please circle response).
 - a. If **yes**, is this agreement in writing? **Yes** or **No** (please circle response)
 - b. If **yes**, please submit a sample copy of this agreement.
11. Do you require a consumer to sign a written release in order to disclose personal information about the consumer to third parties prior to the time that the information is released? **Yes** or **No** (please circle response).
 - a. If **yes**, please submit a sample copy of this agreement.
12. Is the consumer notified every time personal information about the consumer is released to a third party? **Yes** or **No** (please circle response).
 - a. If **yes**, is the identity of the third party seeking the information shared with the consumer? **Yes** or **No** (please circle response).
13. How long is personal information maintained on a consumer?
14. Do you continue to maintain personal information on a consumer after your business relationship with a consumer has ended? **Yes** or **No** (please circle response).
 - a. If **yes**, please state the reasons why such information is maintained.

15. Do you have any policies or procedures for safeguarding the confidentiality of consumers' records and information? **Yes** or **No** (please circle response).
 - a. If **yes**, please describe these policies or procedures.
 - b. Are these policies and procedures written? **Yes** or **No** (please circle response).
 - c. If **yes**, please submit copies of such written documents
16. Do consumers have access to their personal information that you maintain for purposes of verifying the accuracy of the information? **Yes** or **No** (please circle response).
 - a. If **yes**, how may consumers amend or update any incorrect, missing, or additional information?
17. Do you allow consumers to block access to or prohibit the release of their personal information?

Please respond to the above referenced questions and requests for information within fifteen (15) days of receipt of this request. Please provide the name, telephone number, facsimile number and address of the contact person within your organization that the Department may contact regarding the Company's responses to this special examination survey.

Should you have any questions or need additional information, please contact Ms. Brenda S. Nation, Executive Counsel, Division of Legal Services at (225) 342-4674. Thanking you in advance for your cooperation and prompt response.

Sincerely,



Craig Gardner
Deputy Commissioner--Financial Solvency
Louisiana Department of Insurance